

# RECORDS MANAGEMENT ACT, GOVERNMENT CODE

## Chapter 5. State Records (2100)

(No. 2 Mar. 1998)

### RECORDS MANAGEMENT ACT GOVERNMENT CODE Chapter 5. State Records

#### Article 1. General

**14740.** This chapter shall be known as the "State Records Management Act".

**14741.** As used in this chapter "record" means all papers, maps, exhibits, magnetic or paper tapes, photographic films and prints, punched cards, and other documents produced, received, owned or used by an agency, regardless of physical form or characteristics. Library and museum materials made or acquired and preserved solely for reference or exhibition purposes, and stocks of publications and of processed documents are not included within the definition of the term "record" or "records" as used in this chapter.

#### Article 2. Administration of State Records

**14745.** The director shall establish and administer in the executive branch of state government a records management program, which will apply efficient and economical management methods to the creation, utilization, maintenance, retention, preservation, and disposal of state records.

**14746.** The duties of the director shall include but not be limited to:

- (a) Establish standards, procedures, and techniques for effective management of records.
- (b) Providing appropriate protection for records designated by state agencies, with the concurrence of the director, as essential to the functioning of state government in the event of a major disaster.
- (c) Obtaining from agencies reports required for the administration of the program.

#### Article 3. Duties of Agency Heads

**14750.** The head of each agency shall:

- (a) Establish and maintain an active, continuing program for the economical and efficient management of the records and information collection practices of the agency. The program shall ensure that the information needed by the agency shall be obtained with a minimum burden upon individuals and businesses, especially small business enterprises and others required to furnish the information. Unnecessary duplication of efforts in obtaining information shall be eliminated as rapidly as practical. Information collected by the agency shall, as far as is expedient, be collected and tabulated in a manner which maximizes the usefulness of the information to other state agencies and the public.
- (b) Determine, with the concurrence of the director, records essential to the functioning of state government in the event of a major disaster.
- (c) Comply with the rules, regulations, standards and procedures issued by the director.

#### Article 4. Disposal of Records

**14755.**

- (a) No record shall be destroyed or otherwise disposed of by any agency of the state, unless it is determined by the director that the record has no further administrative, legal, or fiscal value and the Secretary of State has determined that the record is inappropriate for preservation in the State Archives.

- (b) The director shall not authorize the destruction of any record subject to audit until he has determined that the audit has been performed.

**14756.** The public records of any state agency may be microfilmed, electronically data imaged, or otherwise photographically reproduced and certified upon the written authorization of the head of the agency. The microfilming, electronic data imaging, or photographic reproduction shall meet the standard specification of the National Institute of Standards and Technology.

The certification of each reproduction or set of reproductions shall be in accordance with the standards, or have the approval, of the Attorney General. The certification shall contain a statement of the identity, description, and disposition or location of the records reproduced, the date, reason, and authorization for such reproduction, and such other information as the Attorney General requires.

The certified reproductions shall be deemed to be original public records for all purposes, including introduction in courts of law and state agencies.

#### **Article 5. Annual Report**

**14765.** The director shall, through the Secretary of the State and Consumer Record Depository, make an annual written report to the Governor. The report shall describe the status

and progress of programs established pursuant to this chapter and shall include the recommendations of the director for improvements in the management of records in the state government.

#### **Article 6. Records Center**

**14765.** All persons, other than temporary employees, serving in the state civil service and employed by the Secretary of State in the Central Record Depository, shall remain in the state civil service and are hereby transferred to the Department of General Services. The status, positions, and rights of such persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act.

**14766.** All equipment and records in the Central Record Depository in the office of the Secretary of State are transferred to the Department of General Services.

**14767.** The director shall establish, maintain and operate record centers for the storage, processing, and servicing of records for state agencies pending their deposit with the archives of the State of California or their disposition in any other manner authorized by law.

**14768.** This article shall become operative on January 1, 1967.

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